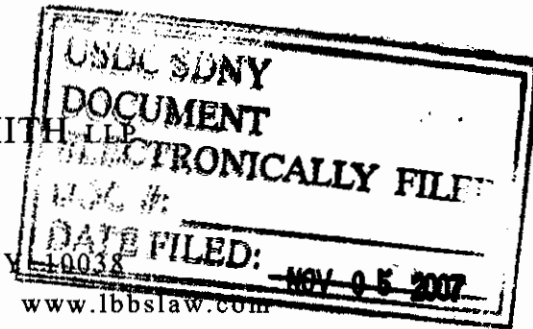


LEWIS BRISBOIS BISGAARD & SMITH, LLP

ATTORNEYS AT LAW

199 WATER STREET, SUITE 2500, NEW YORK, NY 10038

PHONE: 212.232.1300 | FAX: 212.232.1399 | WEBSITE: www.lbbslaw.com



GEORGIA S. ALIKAKOS
DIRECT DIAL: 212.232.1375
E-MAIL: alikakos@lbbslaw.com

October 24, 2007

FILE NO.
6234-4907

VIA HAND DELIVERY

Honorable George Daniels
United States District Court
Southern District of New York
500 Pearl Street Room 630
New York, New York 10007

SO ORDERED

George B. Daniels
HON. GEORGE B. DANIELS

NOV 05 2007

Re: *TAP Electrical Contracting v. E.E. Cruz*
Civ Docket No.: 07 cv 7770

Dear Judge Daniels:

We represent the defendant E.E. Cruz & Co., Inc. in the aforementioned property damage case.

We write at the direction of your Honor's chambers, to request permission to file a third party complaint on behalf of E.E. Cruz, & Co., Inc. in this matter. Briefly, this is a property damage loss sounding in negligence, as a result of a flood which occurred at a construction site on September 8, 2004, in Queens, New York. Defendant E.E. Cruz recently filed its Answer to plaintiff's verified complaint on October 5, 2007. The Answer denies all allegations of negligence and asserts, amongst other defenses, that the loss was caused/contributed to by individuals other than E.E. Cruz. It is E.E. Cruz's contention that if it should be found liable to plaintiff for the above loss, then such liability is based on the negligent conduct of non-parties Malcolm Pirnie, the construction manager and URS Corporation, the company which designed the facility and provided inspectors to inspect the work of the various contractors. Indeed, in a subrogation action previously filed by plaintiff's counsel in this Court, alleging damages as a direct result of the aforementioned loss, counsel asserted a direct claim against Malcolm Pirnie. Similarly, two separate state court actions have been commenced against parties including Malcolm Pirnie and URS premised on the same loss.

LEWIS BRISBOIS BISGAARD & SMITH LLP

Honorable George Daniels
October 24, 2007
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Accordingly, E.E. Cruz requests permission to commence the aforementioned third-party action at this time. Pursuant to Federal Rules of Civil Procedure, Rule 14, permission is requested since the 10 day period following service of E.E. Cruz's Answer expired only a few days prior to the instant request. Due to a clerical issue, the third-party complaint, although drafted was not filed.

We thank you for your consideration of the above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Georgia S. Alikakos", written over a horizontal line.

Georgia S. Alikakos (GSA-7493) for
LEWIS BRISBOIS BISGAARD & SMITH LLP

GSA:asf